

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**BILLY J. RAYBURN,**

**Plaintiff,**

**v.**

**Civil Action No. 2:07cv42  
(Judge Maxwell)**

**HARLEY LAPPIN, K. M. WHITE,  
WARDEN R. MARTINEZ, H. BOYLES,  
P. A. AZUMA,**

**Defendants.**

**ORDER DIRECTING PLAINTIFF TO FILE  
PROOF OF EXHAUSTION**

On May 30, 2007, the *pro se* plaintiff initiated this case by filing a civil rights complaint against the above-named defendants. In the complaint, the plaintiff seeks a preliminary injunction as well as an award of compensatory and punitive damages for alleged violations of his constitutional rights. More specifically, the plaintiff alleges that the defendants violated his Eighth Amendment right to be free from cruel and unusual punishment by being deliberately indifferent to his serious medical needs.

According to the complaint, at least one of the incidents of which the plaintiff complains, occurred on May 11, 2007, just a few weeks prior to the filing of the complaint. Therefore, on the face of the complaint, it appears improbable that the plaintiff could have exhausted all of his administrative remedies prior to initiating this action. In fact, the plaintiff seemingly concedes that his administrative remedies are not exhausted when he states in the complaint that “thus far, staff has been totally non-responsive” to his administrative complaints. Complaint at 2.

Accordingly, within **twenty (20) days** from the date of this Order, the plaintiff is directed

to provide the Court with a copy of any and all of his administrative remedies filed with the Bureau of Prisons with respect to the claims raised in the complaint. The failure to comply with this Order in the allotted time will result in the recommendation that these claims be dismissed for the failure to exhaust.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: October 16, 2007.

/s John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE